



our status and rights. A majority of Quebecers support the right of Aboriginal peoples in Quebec to make our own choice if some kind of majority of Quebecers decide to separate from Canada.

We Crees have lived in the James Bay area since the last Ice Age. We have always identified ourselves as one people with our own language, laws, beliefs, and system of land tenure and governance.

We Crees gave our lands a name — *Eenou Astchee* — long before there was a Canada or a United States. We hunt, fish and trap on its valleys, ridges, shores and waters. The land is still the greatest provider for our needs.

On May 2nd 1670, King Charles II signed his name to a piece of paper and "gave" much of what is now Canada to the Hudson's Bay Company. He named these lands — which included our lands — after his cousin Prince Rupert. The real owners and inhabitants of these lands, the Crees, the Inuit and other indigenous peoples, were not asked or even informed about this deed.

Then two hundred years later in 1870, another English monarch annexed these lands to Canada, which had become a country three years before. Again we were not asked or even told. Then in 1898 and 1912, "Rupert's Land" as it was called was broken up and annexed again, this time to the Canadian provinces of Manitoba, Ontario, and Quebec. Again, we were not asked or even told.

No-one spoke to us for a further sixty years or so. Then in 1971, work began on Hydro-Quebec's "project of the century", and the bulldozers and dambuilders burst into James Bay. Still no-one spoke to us of their plans for us, and our lands.

Now in the context of another plan for the Crees and our lands, I am speaking up to defend Cree rights. *There will be no annexation of ourselves or our territory*

*to an independent Quebec without our consent.*

There is an obvious and undeniable logic here: If Quebec has the right to leave Canada, then certainly the Cree people have the right to keep their territory in Canada, if that is our choice. We cannot simply be traded from country to country, as though we are livestock in a field. This may have been the way things were done in the 1600's, and even the early 1900's. But all peoples have a right to determine their futures, and to keep their nationality. These are fundamental human rights in contemporary international understanding. And I haven't even begun to speak about our rights in the context of the Canadian Constitution.

Consider this: Cree Territory is contiguous with the Northwest Territories, Ontario and Labrador. It was added to Quebec very late, only in 1912, and Quebec only began to administer the territory in 1963. In fact in 1993 the Government of Quebec held a celebration called "Thirty years in the North". I spoke at the Quebec National Assembly on that occasion. I remarked that even a young man such as I had been in the North longer than the government of Quebec.

And here the double standard is asserted again, and again: "Quebec's territory," we are told, "is indivisible." "We will never agree", say the separatists, "to any change to Quebec's borders. All of Quebec territory is sacred." "Quebec's territorial integrity", it is stated, "is protected by the Canadian Constitution, and after independence by international law."

We ask: What about Cree rights? How can a territory be "sacred" when a government has been on that territory for only thirty years? What about our Cree great-great-great-grandparents who are buried in *Eenou Astchee*? What about

Aboriginal territorial integrity, Aboriginal rights on lands where we have lived since time immemorial, and where we and the Inuit are still the only permanent inhabitants?

We Crees do not think of borders as sacred. We are part of the land. There is no other place in the world where everything, every hill, every stream, every fork in the river is named in Cree. *Eenou Astchee* is the centre of Cree civilization, and it is inconceivable that we would cease to care for it.

The words "Cree civilization" may clash with conventional wisdom. Aboriginal peoples are supposed not to be civilized, and are supposed not to have organized societies and governments. In this conception Aboriginal peoples are thought to wander across the land like wild deer, without any sense of purpose or intent, or at least no higher purpose that could imply sovereignty, dominion, or ownership.

When Quebec began work on its James Bay Hydro-electric project in 1971, it did so without so much as a letter to our people. When we objected and sought relief from the courts, the government of Quebec took the position that we had no rights to the land, that we were "squatters" with no rights. This is the word that was used — "squatters".

We went to court, and won a landmark ruling on our rights from the Superior Court of Quebec. But Quebec's highest court summarily overturned our plea for relief. The honourable justices of the Quebec Court of Appeal ruled that any rights we may have had to our lands had been disposed of when King Charles made his distant gift to Prince Rupert, way back in the 1600's!

For its part in the 1970's, Canada adopted an official position of "alert neutrality". To this day, we do not understand how Canada's stance was

consistent with the high standards of loyalty expected of a fiduciary.

Ironically, the Supreme Court of Canada stated in the *Sparrow* case in 1990 that the James Bay Hydroelectric Project was (and I quote): "initiated without regard to the rights of the Indians who lived there, even though these were expressly protected by a constitutional instrument." But this statement came too late for the Crees. We had signed the James Bay and Northern Quebec Agreement in 1975. We signed under the duress of the bulldozers on our lands, under the duress of statements by the Quebec courts that we were squatters with no rights, and with a federal government that stood quietly by under a policy of alert neutrality.

Little seems to have changed in the twenty years since. The government of Quebec continues to deny our rights, and the federal government is still virtually silent.

It is in this disparity concerning our rights that our civilizations seem to clash, that Aboriginal rights are always held to be inferior to all other claims. I ask myself: Is this denial of our rights based on ignorance of our culture and civilization, or is it simply the blunt assertion of superior power and numbers?

I do not know. We have the impression that the separatist leadership is avoiding a direct logical or legal reply to our arguments. Instead, it prefers to mock our assertions, to minimise our relevance, and to deny our standing.

We are also accused of being puppets for Ottawa, of having made some kind of secret deal with Canada to thwart Quebecers' rights. But wherever I go in Quebec, ordinary Quebec people support our rights. Ordinary people seem to understand that you can not claim certain rights for yourself and in the same

breath deny those same rights to others.

Not so for the separatist elite. As a senior elected Quebec official told our people when Mr. Parizeau last returned from France: If Quebecers vote "yes" in the referendum, and France recognizes Quebec, it just won't matter what you Crees think, say or do. As for the planned Cree referendum, Mr. Parizeau stated that it would not be legitimate, because only governments can hold referendums.

The separatists point almost daily to a 1985 Quebec National Assembly resolution recognizing eleven Native Nations in Quebec. But this is as far as it goes. Mr Parizeau uses the word "Nation" as a public relations tool. But then he says and does things that are a denial of the rights that flow from our status as a First Nation, for example denying the status of our referendum.

Without any concern for consistency, the separatist leadership also claims that the secret and eventual goal of the Crees is separation from Canada. Parti Québécois officials now state in every forum that any recognition of a Cree right to consent would create a dangerous precedent for Aboriginal peoples in Canada, Mexico, Peru, Australia and everywhere indigenous peoples are found, to declare independence and break up existing states!

It should be clear to everyone by now that we are not separatists. You have never heard about a Cree independence movement because there is no Cree independence movement. We most certainly have grievances against the Government of Canada. Our relationship is in need of profound reform. But we are not separatists.

Neither Canada nor Quebec has respected and fully implemented our treaty with them, the James Bay and Northern Quebec Agreement of 1975.

Our relations are often poor and unnecessarily adversarial. We are excluded from the decision-making processes regarding our lands, our waters, and our environment. Our lands and resources are irresponsibly exploited, and even destroyed. We enjoy little benefit from the wealth they produce. Canada has failed to live up to its obligations to provide adequate housing and much-needed funding for community operations and maintenance. We are doing everything in our power, legally and politically to change this situation. But in spite of all this, we are not separatists.

In the Cree communities and on the Cree traplines life goes on. Our hunting, fishing, and trapping way of life continues despite unsustainable clearcutting and the hundreds of dams that divert whole river systems and flood our lands and waters. We face mercury contamination, open-pit mining, networks of roads, waste dumps, and all of the other things that could permanently end the life we have lived for thousands of years.

This is what it feels like to be a Cree in Northern Quebec. It feels like we are a distant colony, without control, without rights, misunderstood and resented for our constant grievances and supposed wealth.

Through the James Bay and Northern Quebec Agreement, the Crees and Inuit entered — for better or for worse — into a permanent relationship with Canada and Quebec, within a federal-provincial structure. All parties agreed that no changes or revisions could be made in the treaty without the consent of all of the signatories. And this is not some ancient arrangement: it was the PQ government of Rene Levesque that legislatively implemented this Agreement in 1977!

Having said this, what does it feel like now to be an Indian in Northern Quebec? I will tell you: We feel cheated because

this treaty, inadequate, inequitable and unjust as it is, has not been fully implemented. We feel cheated because this treaty which was to have protected us, and ensured our rights in Canada and in Quebec, has apparently settled nothing at all.

The government of Quebec has told the international community that according to rules of succession in international law it will simply assume responsibility for the federal obligations under the James Bay Agreement. Here at home, however, the government of Quebec declares that our treaty is only a "domestic" agreement, and that as such, it would be non-binding on an independent Quebec. So where does this contradictory situation leave the Crees?

*First, let me state that an independent Quebec could not respect the James Bay and Northern Quebec Agreement even if it chose to do so. The Agreement assumes and functions within a federal regime. Quebec as a unitary State would be unable to duplicate this governmental regime, with for example all of its inherent checks and balances, the Supreme Court of Canada, the federal Parliament and provincial legislature, and our fiduciary relationship with the federal Crown.*

*The very fact of separation from Canada would fatally breach the James Bay Agreement, unless all of the parties gave consent to its amendment.*

Mr. Parizeau and Mr. Bouchard proclaim that through the Agreement the Crees have surrendered their rights in Northern Quebec. This is so important to them that the PQ Policy on secession reproduces the very words of the so-called extinguishment provision.

There are three problems here. The first, is that extinguishment of Aboriginal rights is a discredited concept, one that academics, commissions and others are consigning to history — along with slavery

and apartheid — as a breach of fundamental human rights.

The second problem is that these leaders wish to pick and choose, to keep the provisions of the treaty they like, while selectively repudiating the federalist parts of the treaty that would prevent the government of Quebec from making a unilateral declaration of independence. The part they want to repudiate is that our treaty relationship is with Canada and the Province of Quebec in Canada, not with some other independent country.

Third, during negotiations, the Crees were never asked to surrender our rights as a people. These things were never discussed, and are not part of the Agreement at all. They include our fundamental right to self-determination, and our relationship with the federal Crown. How can Quebec now claim these rights were given up?

This leads directly to important questions regarding Canada's constitutional obligations: where does Canada stand, what is Canada doing? The answers are unsatisfactory.

I find it particularly disappointing that this country, founded on the principles of "peace, order and good government" and the "rule of law" has taken such a soft position on the status and rights of the Aboriginal peoples in Quebec.

I was amazed when the federal Minister of Justice said recently of the Quebec situation that it was really a "political matter" and that the legal and constitutional issues were just technicalities.

When Aboriginal and treaty rights were entrenched in the Canadian Constitution in 1982, we were told that our rights were now part of Canada's supreme law. We were told that entrenchment in a Constitution meant that our fundamental rights could never be taken away.

Twelve short years later, it would

appear that in the case of Cree rights even the Constitution of Canada has become a technicality which can be invoked or dismissed at the whim of governments. I am left with the sick feeling that governments can pretty much do what they want.

It is particularly unfortunate when our fiduciary, the Government of Canada, takes this position when it is called upon to confirm our constitutional and treaty rights. It seems fair for the Crees to ask: What more important and significant event could occur that would compel the federal government to act? Is not the threat to remove the Crees and our territory from Canada sufficient cause to confirm and guarantee our rights? Is Canada prevented from action by the magnitude and finality of the threat? For if that is the case, *our fiduciary is relinquishing its authority at the very moment it is under the strongest obligation to speak and act on our behalf.*

Are our rights under treaty and constitution mere technicalities? I don't think so. The polls show that a significant portion of the people who would vote "yes" in a Quebec referendum would vote "no" instead if they thought that the Cree and Inuit Territory in Northern Quebec would remain in Canada.

Let me be quite specific about some of my concerns. Section 2.15 of our treaty provides that the consent of all of the parties shall be required for any amendment to it. Section 2.11 of our treaty affirms that the Crees and the Inuit shall continue to enjoy the rights of Canadian citizens. Many other sections of our treaty confirm the special relationship between the Crees, the Inuit and Canada. All of these provisions are treaty rights in our favour. They are entrenched in section 35 of the Constitution of Canada, the highest law of

the land.

*At the very minimum, if they are acknowledging the status of a Quebec referendum, the federal Minister of Justice and his government should state at the same time that Quebec secession is a matter for which the consent of the Aboriginal peoples will be required as well.*

*We are gravely concerned that there is another ugly double standard emerging with respect to our rights, this time in the federal arena.*

We will continue to fight for our rights no matter what governments of Canada or Quebec do. We know that we have the legal, constitutional and moral right to choose. But for Canadians the recognition of Cree and Inuit rights in Northern Quebec has an added dimension: *by rejecting — or failing to acknowledge — Aboriginal rights in Northern Quebec, Canada may be throwing away both a legal obligation, and an opportunity which if acted upon, could help to keep Canada together.*

It seems strange to me that at this moment when Canada is threatened by the overt expression of a separatist project in Quebec, it continues to view the full recognition of Aboriginal rights in Canada as a greater threat. This doesn't seem reasonable, and is hard to believe.

International legal scholars have broadly confirmed our right of self-determination if Quebec separates from Canada. Even the Parti Québécois' own legal scholar, Professor Daniel Turp, has confirmed the validity of our claims, stating on more than one occasion in his academic writings that Cree rights to choose are at least equal to the rights of Quebecers to determine their future.

The issue is not whether a new republic of Quebec will treat us well after separation. That is not the question we ask. What we want acknowledged, *beforehand*, is our right to choose to

maintain and develop our status in Canada, or to choose if we wish to head down the rapids in a canoe with Quebec.

I want to be clear: We are not Canada's Indians. We are not Quebec's Indians. We are our own people—*Eeyouch*, the Crees.

When the government of Quebec makes its offer to recognize our rights in its referendum legislation subject to the "territorial integrity" of Quebec, it is denying our fundamental rights in the very same breath that it purports to proclaim recognition of our rights.

Some separatists have stated that Quebec would not be a viable State without Northern Quebec. That may or may not be true. But if Quebec denies us the right to choose our nationality, fearing that we may choose to remain in Canada, it cannot claim that it has respected our human rights, or that it has respected our rights as a nation and a people. And as the separatists know better than anyone else: you can not force a people to maintain their loyalty. *The separatists would be well-advised to risk recognizing and respecting our rights.* Fundamental human rights should certainly come before the so-called integrity of an entity that is just 30 or 90 years old.

In the end, the Crees will make the choice. Have no doubt about that. Even if Canada fails to guarantee our right to choose, and even if the government of Quebec denies us our right to choose, the Cree People will use their wisdom and make a decision, and the people of Canada and the world will fairly judge the outcome.

If the government of Quebec holds a referendum on separation, we intend to hold our own referendum. In a few weeks a Cree Commission will hold hearings in Cree communities on the possible separation of Quebec, and the implications of this to the Cree people.

We want our people to have the opportunity to understand what is happening, and to express their views. The Inuit have already resolved to hold a national Inuit referendum.

Let me state, however, that we do not oppose Quebec's referendum. What we dispute is Quebec's right to hold a referendum on the future of *Eenou Astchee*, the Cree Territory, and *Eeyouch*, the Cree people.

The government of Quebec firmly rejects the right of Canadians outside of Quebec to play any role in determining the future of the territory it claims. The Cree position is identical: only the Crees will determine the future of *Eenou Astchee*.

Canada's political leaders have already declared that they will respect the outcome of a Quebec referendum. We have asked if Canada will respect the outcome of the Cree referendum. We have asked repeatedly for timely acknowledgement of our right to make our own choice.

In one response, we were told by the Canadian ambassador to the European Union that we should vote "no" in Quebec's referendum if we want to remain in Canada. For the rest, we have been greeted with silence. It is as though Section 35 of the Canadian Constitution no longer exists, 12 short years after it was signed by the Queen.

There is that double standard poking its ugly head out again.

So let me ask: What will it take for us, for the Crees, for the Aboriginal peoples to finally be "admitted" to Canada? When will we be recognized as part of this great land, able to share its wealth, its future, its government? When will the Aboriginal peoples be recognized as fellow human beings?

Earlier, I said that I had the feeling that the Aboriginal peoples had just been

discovered by Canadians. I have come forward. I have been forthright and public with the concerns of my people, and I know that the Crees have been taken into the hearts of people in every province of Canada, and that includes Quebec.

Many who would never defend Aboriginal rights have supported our arguments, perhaps out of self interest. But many others support Cree rights and Aboriginal rights because they want to preserve the rule of law, and because they have a fundamental respect for human rights.

People have said to me: What do you really want? You must want something for what you are doing, what do you really want?

I will be concrete. The Crees want meaningful inclusion in Canada and Quebec, meaningful jurisdiction, real benefit from the resources on our lands, genuine political participation as a nation and a people in Canada. We want to have an effective say in our own backyard, and to get to work to develop our region, in real partnership with Quebec, with Canada, with yourselves.

We also want to be treated like human beings. In Cree we have a word for human being—*eeniw*. I want the Cree People and all of the Aboriginal peoples to be treated like human beings. But this must be understood: our conception of

our humanity is that we are a People. To treat us as humans, our status as one of the Aboriginal peoples in Canada — as stated in the Canadian constitution — must be fully recognized and accepted.

It will mean only that Canadians see Aboriginal peoples as having as much right as others to govern, to share the wealth of this land, to enjoy this land, to be left in peace, to have as much say, as much respect as anyone else.

Perhaps that time has come now. Perhaps Canadians realize that our influence will continue to increase, that nothing will ever happen again in Canada without us. Perhaps Canadians realize that we are really part of this country. Perhaps Canadians realize that Canada's own character, and Canada's important decisions, can never be separated from those of the Aboriginal civilizations who were here so long before anyone else.

Canada is at a crossroads. There are a number of decisions you are making that once again involve the fundamental interests and rights of a number of Aboriginal peoples, who are the only inhabitants of vast areas of Canada.. The right decisions about Aboriginal interests and rights can be made by Canadians acting in their own interest. But I would prefer that the right decisions about Aboriginal interests and rights be made by Canadians *because they are right*.

Thank You. Meegwetch. ●